

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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P & S X-RAY CO., INC., d/b/a
MEDICAL IMAGING SYSTEMS,

Plaintiff,

v.

HOLOGIC, INC.,

Defendant.

Case Number: 1:04-cv-11239-RGS

PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE
SCHEDULING CONFERENCE

Plaintiff P & S X-Ray Co., Inc., d/b/a Medical Imaging Systems ("MIS"), moves this Honorable Court to continue the scheduling conference that is presently set for October 25, 2004, for a period of thirty (30) days or other period of time that the Court deems just and proper for the following reasons:

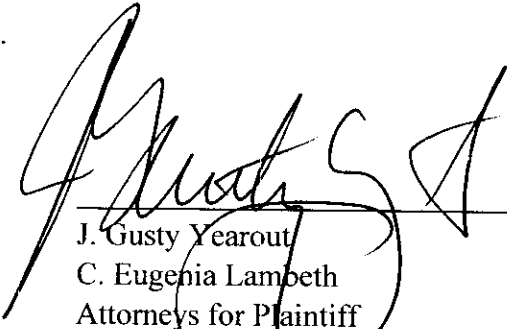
MIS's counsel is working to go forward with this case and to locate an Massachusetts attorney to file a motion for admission *pro hac vice* of MIS's counsel in Alabama. However, MIS's counsel has been unable to accomplish locating and arranging payment for a Massachusetts attorney because of MIS's present financial difficulties brought on by the circumstances leading to this lawsuit and it is still undetermined whether, based on the financial strain involved, MIS will have the resources to hire a Massachusetts attorney and prosecute this matter in Massachusetts.

Counsel for the defense, Gregory Arnold, has indicated that he does not oppose the granting of a continuance. Furthermore, this Court's clerk, Ms. Mary Johnson, has given MIS

express permission to file this motion without MIS's counsel having previously obtained admission to practice *pro hac vice* before this Court.

Accordingly, MIS respectfully asks this Court to continue the scheduling conference for a period of thirty (30) days or other period of time as this Court deems just and proper.

DATED this 18th day of October, 2004.



J. Gusty Yearout
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Attorneys for Plaintiff

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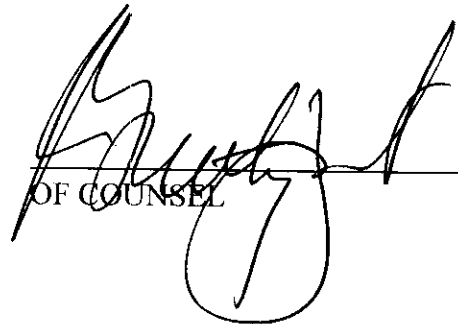
CERTIFICATE OF SERVICE

I hereby certify that I have on this the 18th day of October, 2004, caused a true and correct copy of the foregoing document to be served by facsimile and by United States mail, first-class postage prepaid, to the following counsel of record for the defendant:

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